

REMARKS

Claims 1-24 are pending in the application. Claims 1, 3, 5, 10, 11, and 14 have been amended to define more clearly the claimed invention. Claims 4, 7-9, 13, 15, 18, 19, and 21-24 have been withdrawn. Claims 25-32 have been added. It is believed and intended that no new matter has been added by this amendment. Reconsideration and allowance of all claims are respectfully requested in view of the following remarks.

I. Preliminary matters

The Examiner has not yet indicated acceptance of the drawings filed March 23, 2004. Such indication is respectfully requested.

The Applicant gratefully acknowledges the Examiner's indication of receipt of the Information Disclosure Statements filed March 23, 2004 and February 24, 2005.

II. Specification objection

The Examiner objected to the specification because of a listed informality. The specification has been amended as set forth above, and in a manner believed to overcome this objection.

III. Claim objections

The Examiner objected to Claims 5 and 6 because of the listed informalities. Claim 5 has been amended to overcome the objection. Such amendment is not made in response to the references cited in the Office Action and does not narrow the scope of the claims.

IV. Claim rejections under 35 U.S.C. § 102

The Examiner rejected Claims 1-3, 5, 6, 11, 12, 14, 16, and 17 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Application Publication No. 2004/0212182, published October 28, 2004 by Jb Canterbury (hereafter referenced as "the '182 application"). The Applicant respectfully traverses this rejection for at least the following reasons.

Anticipation requires a single prior art reference that discloses each element of the claim. W.L. Gore & Associates v. Garlock, Inc., 220 U.S.P.Q. 303, 313 (Fed. Cir. 1983), cert. denied 469 U.S. 851 (1984). There must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention. Scripps Clinic & Research Foundation v. Genentech Inc., 18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991). "The identical invention must be shown in as complete detail as is contained in the ... claim". Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

Claims 1 and 11 recite a breech block located in the housing adjacent the second end of the container, the breech block being adapted to support the pyrotechnic device and maintain the container and the pyrotechnic device in spaced relation.

The '182 application does not teach or suggest the claimed structure. Instead, every figure of the '182 application depicts the container resting directly against the igniter or on a pyrotechnic enhancer of the igniter, with no spaced relationship between the pressure vessel and the igniter. Moreover, the structures of

the '182 application which support the igniter do not also maintain the igniter and the pressure vessel in spaced relation.

The "spacer" of ¶0013 of the '182 application is not shown in the Figures thereof and the sparse description of the spacer in the text of the '182 application is silent as to the structure of the spacer, whether the spacer supports the igniter, and the nature of the relationship that the spacer creates between the pressure vessel and the igniter. In summary, the '182 application does not disclose that the spacer supports the pyrotechnic device and holds the container and the pyrotechnic device in spaced relation, as presently claimed. Therefore, the '182 application does not anticipate Claims 1 and 11 under 35 U.S.C. § 102(b) and the Examiner's rejection should be withdrawn.

Claims 27-32 have been added to more explicitly claim this difference between the devices of the '182 application and the present invention. Support for new Claims 27-32, as well as for the amendments to Claims 1 and 11, is found at least in Figs. 1-3 and 6-9 and on page 8, lines 7-19 and page 13, lines 13-22 of the specification.

Since Claims 2-3, 5, 6, 12, 14, and 16-17 are dependent upon at least one of Claims 1 and 11, these Claims are patentable at least by virtue of their dependency, and allowance of Claims 2-3, 5, 6, 12, 14, and 16-17 is respectfully requested.

V. Allowable subject matter

The Applicant gratefully acknowledges the Examiner's indication that Claims 10 and 20 contain allowable subject matter. Claim 10 has been rewritten in independent form. The Applicant respectfully requests postponement of the

Examiner's requirement that Claim 20 be rewritten in independent form until such time as the Examiner has reviewed and commented upon the present amendments and remarks.

VI. Conclusion

In view of the foregoing, it is respectfully submitted that the above-identified patent application is in condition for allowance, and allowance of the above-identified patent application is respectfully requested.

Please charge any deficiency or credit any overpayment in the fees for this amendment to our Deposit Account No. 20-0090.

Respectfully submitted,



Matthew M. Shaheen
Reg. No. 45,367
Customer No. 26,294

TAROLLI, SUNDHEIM, COVELL,
& TUMMINO L.L.P.
1300 East Ninth Street, Suite 1700
Cleveland, Ohio 44114
Phone:(216) 621-2234
Fax: (216) 621-4072